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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/299,952	04/26/1999	RANDALL M. GEORGE	AT9-99-174	3894

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EXAMINER

VO, LILIAN

ART UNIT

PAPER NUMBER

2127

DATE MAILED: 02/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/299,952

Applicant(s)

GEORGE ET AL.

Examiner

Lilian Newgen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 1999.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-19, 21-27 and 29 is/are rejected.
- 7) ☒ Claim(s) 7 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action in response to application filed on April 26, 1999. Claims 1-27, and 29 are presented for examination.

Election/Restrictions

2. Newly submitted **claim 28** is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: creating a package file, creating a user profile, storing the package and user profile, allowing access to the package and user profile by the second computer.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 28 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-5, 9-11, 13, 14, 16-18, 22-24 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 5,860,012 issued to Luu in view of U.S. Patent No. 6,101,601 issued to Matthews et al.

As to **claim 1**, the reference of Luu teaches of:

modifying (modifies system configuration files, col. 8, lines 5-9, instruction for modification of the pre-installation snapshot and post installation files, col. 6, lines 18-31);

capturing an initial state and a modified state (capturing the state of the LAN Administrator's system before and after the installation of the application, col. 1, lines 66-67, col. 2, lines 1-2);

storing differences between initial state and the modified state (stored the differences of the pre-installation snapshot and the post-installation snapshot in the installation package, col. 6, lines 21-33), wherein the differences are separated into system-specific changes (col. 6, lines 18 - 26, 'system related files are compared', which specifies system changes), and user-specific changes (col. 5, lines 25 - 35, custom personality files replace the default personality file, which specifies the user-specific changes); and

wherein the system specific changes are applied on a per-system basis (col. 5, lines 7 - 23, the IPACK format file which is generated by the installation package contains references to the actual physical location of the installation package, col. 8, lines 1 - 9, '... determines what files are needed and where they are placed.' as each system requirements varies!!!), and the user-specific changes are applied on a per-user basis (col. 5, lines 25 - 41, personality file allows for custom installation of application software on a user workstation).

While the reference of Luu teaches of capturing the state of the system before and after the installation (col. 1, lines 66-67, col. 2, lines 1-2), it fails to explicitly teach the initializing

step. The reference of Matthew et al teaches of initializing a data processing system when the system is booted up (Fig. 6, 602, initializing, col. 2, lines 52-61, col. 6, lines 35-41) for assigning a beginning value to a variable before start up. It is obvious that the system has to be initialized before it can run. Therefore, it would have been obvious for one ordinary skill in the art at the time the invention was made to include the initializing step to Luu's invention for the purpose of starting up the computer and be able to run the programs.

As to **claim 3**, the reference of Luu teaches of windows-based system (windows operating system environment, col. 2, lines 65-67, col. 3, lines 1-3).

As to **claim 4**, the reference of Luu teaches of performing a snapshot (snapshot of the LAN system's administrator before and after the installation is captured, col. 1, lines 66-67).

As to **claim 5**, the reference of Luu teaches of the snapshot is configured to include portions of data (snapshot contains all the information such as the complete disk directory structure contents, copies of various systems and execution files, col. 5, lines 53-59).

As to **claim 9**, the reference of Luu teaches of differences between .INI files (Modified text files include *.INI files, appendix A, col. 27).

As to the method of **claim 10**, the reference of Luu inherently teaches of capturing line-by-line. It is "well-known" in the art that the capturing step has to be captured line-by-line in order to compare the files for the differences. Therefore, the step of capturing line-by-line is inherent in order to compare the differences between the files.

As to **claims 11, 14, 24 and 27**, note the discussion of claim 1 above.

As to **claims 13 and 26**, note the discussion of claims 9 and 10 above

As to **claim 16**, note the discussion of claim 3 above.

As to **claim 17**, note the discussion of claim 4 above.

As to **claim 18**, note the discussion of claim 5 above.

As to **claim 22**, note the discussion of claim 9 above.

As to **claim 23**, note the discussion of claim 10 above.

5. Claims 2 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 5,860,012 issued to Luu in view of U.S. Patent No. 6,101,601 issued to Matthews et al. as applied to claims 1 and 14 above, and further in view of U.S. Patent No. 6,282,568 issued to Sondur et al.

As to the method of **claim 2**, the modified Luu's invention fails to explicitly teach of heterogeneous client-server system. However, the reference of Sondur et al. teaches of the distribution of automated management tools that provided support for heterogeneous network environments col. 1, lines 32-42). Therefore, it would have been obvious for one ordinary skill in the art to consider implement the modified Luu's invention in the heterogeneous environment in order to provide flexibility operation in any type of environment.

As to **claim 15**, note the discussion of claim 2 above.

6. Claims 6 and 8, 12, 19 and 21 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 5,860,012 issued to Luu in view of U.S. Patent No. 6,101,601 issued to Matthews et al. as applied to claims 1 and 14 above, and further in view of U.S. Patent No. 6,029,246 issued to Bahr.

As to **claim 6**, while the reference of Luu teaches of the differences between system files (system files are compared, col. 6, lines 21-26), user files (custom personality files replace the default personality files, col. 5, lines 30-35, personality file change after the installation,

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appendix A, col. 23), the modified Luu's invention fails to explicitly teach of the differences between the user registries and the system registries. The reference of Bahr teaches of the modification of the registry (registry modification service, fig. 3, 318, calls for registry modification, col. 5, lines 52-62, updating the registry on various client computers, col. 3, lines 1-15) for the purpose of centralized administration functions. It is obvious that the modification of the registry on a system also include the modification of the user registries and system registries. Thus, providing the differences between user registries and system registries. Therefore, it would have been obvious for one ordinary skill in the art at the time the invention was made to include the modification of registry to modified Luu's invention for the purpose of centralized administrative functions to provide efficiency in management of the system.

As to **claim 8**, the reference of Luu does not specifically teach of managing configurability of the application on a per-system basis. "Official Notice" is taken that both the concept and advantages of providing for management configuration the application on a per-system basis is "well-known" and expected in the art. It would have been obvious to one ordinary skill in the art to include managing configurability of the application on a per-system basis to Luu's invention because the system-specific changes can be applied on per machine to maintain a consistent system environment.

As to **claims 12, 19 and 25**, note the discussion of claim 6 above.

As to **claim 21**, note the discussion of claim 8 above.

7. Applicants' remarks filed 12/19/02 have been considered but are not persuasive.

8. In the remarks, Applicants argued that (1) the additional limitations of the amended claims (1, 14, and 27) are not shown in any of the references cited against the present application. There is no apparent mentioning in any cited reference of separating the changes into system-specific changes and user-specific changes and applying them on system or user bases (page 7, bottom 2 lines – page 8, ... distinguished from the cited references).

As to point (1), the additional limitations of the amended claims (1, 14, and 27) are rejected for the same reason as were originally rejected in claim 6. Regarding claims 1, 14 and 27, the reference of Luu teaches the steps:

modifying (modifies system configuration files, col. 8, lines 5-9, instruction for modification of the pre-installation snapshot and post installation files, col. 6, lines 18-31);

capturing an initial state and a modified state (capturing the state of the LAN Administrator's system before and after the installation of the application, col. 1, lines 66-67, col. 2, lines 1-2);

storing differences between initial state and the modified state (stored the differences of the pre-installation snapshot and the post-installation snapshot in the installation package, col. 6, lines 21-33), wherein the differences are separated into system-specific changes (col. 6, lines 18 - 26, 'system related files are compared', which specifies system changes), and user-specific changes (col. 5, lines 25 – 35, custom personality files replace the default personality file, which specifies the user-specific changes); and

wherein the system specific changes are applied on a per-system basis (col. 5, lines 7 – 23, the IPACK format file which is generated by the installation package contains references to the actual physical location of the installation package, col. 8, lines 1 – 9, '... determines what files are needed and where they are placed.' as each system requirements varies!!!), and the user-

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specific changes are applied on a per-user basis (col. 5, lines 25 – 41, personality file allows for custom installation of application software on a user workstation).

While the reference of Luu teaches of capturing the state of the system before and after the installation (col. 1, lines 66-67, col. 2, lines 1-2), it fails to explicitly teach the initializing step. The reference of Matthew et al teaches of initializing a data processing system when the system is booted up (Fig. 6, 602, initializing, col. 2, lines 52-61, col. 6, lines 35-41) for assigning a beginning value to a variable before start up. It is obvious that the system has to be initialized before it can run. Therefore, it would have been obvious for one ordinary skill in the art at the time the invention was made to include the initializing step to Luu's invention for the purpose of starting up the computer and be able to run the programs.

9. In the remarks, Applicants argued that (2) the passage "the preinstallation system snapshot will contain all the information ..." does not teach the limitation of claim 5, in which 'Excluding certain data in the context of the present invention is not taught or mentioned in Luu or any other cited reference.'

As to point (2), claim 5 recites that 'the snapshot may be configured to include or to exclude portions of data within the data processing system.' Since claim 5 expresses the **OR** condition, the reference needs to show only one of either one of the limitations, in which, as shown in the rejection for claim 5 from the previous office action (see above for citation).

10. In the remarks, Applicants argues that (3) the examiner has presented no facts or reasoning to support the assertion that there is no other way to compare .INI files other than a line-by-line capture.

As to point (3), the reference shows that the pre-installation snapshot and post installation snapshot system files, including .INI files are compared for the differences (col. 6, lines 7 – 34). Snapshot means an exact image, including every line in the files, is copied. Hence, comparing the differences between the files must include comparing each line in the file. Therefore, it is inherent that the differences between .INI files are captured line-by-line.

11. Regarding **claim 29**, it is rejected for similar reasons as stated above.

Allowable Subject Matter

12. Claims 7 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Because Applicants have failed to challenge any of the examiner's "Official Notice" in proper and seasonably manner, they are now considered as admitted prior art. See MPEP 2144.03.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lilian Newgen whose telephone number is 703-305-7864.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Lilian Newgen
Examiner
Art Unit 2127

In
February 5, 2003

**JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**